

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHARLES JOHNSON, JR.,

Plaintiff,

v.

Case Number 19-13539

Honorable David M. Lawson

Magistrate Judge R. Steven Whelan

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,  
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, GRANTING  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, AFFIRMING THE  
FINDINGS OF THE COMMISSIONER, AND DISMISSING COMPLAINT**

Presently before the Court is the report issued on September 30, 2020 by Magistrate Judge R. Steven Whelan pursuant to 28 U.S.C. § 636(b), recommending that the Court grant the Commissioner's motion for summary judgment and deny the plaintiff's motion for summary judgment. Although the report stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 32) is **ADOPTED**.

It is further **ORDERED** that Johnson's motion for summary judgment (ECF No. 27) is **DENIED**.

It is further **ORDERED** that the Commissioner's motion for summary judgment (ECF No. 30) is **GRANTED**. The findings of the Commissioner are **AFFIRMED**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: January 28, 2021